



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

## County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

TO: Certified Producer Applicants

FROM: Robert G. Atkins

### CERTIFIED PRODUCER APPLICATION PACKET OVERVIEW

This packet contains all the necessary forms needed to apply for a Certified Producer Certificate. Upon receipt of all forms and the application fee by our office, an inspector will review your application packet and determine if all required information has been submitted. **An inspection of your property will not be scheduled until all required paperwork and the correct certificate fee is received.** Please mail or submit completed forms and fees to:

County of San Diego  
Department of Agriculture, Weights and Measures  
Attn: Certified Producer Program  
5555 Overland Avenue, Suite 3101  
San Diego, CA 92123-1256

Once the application is reviewed, you will be contacted to schedule a property inspection (see Direct Marketing Fee Letter for fees). After the property inspection is conducted, your crop information will be entered onto your certificate at our office, which will take four to five working days. You will be contacted by telephone when your certificate is ready for your signature. If you are applying for a certificate for the first time, you must come into either our San Marcos office or San Diego office to sign your certificate. If you are renewing or amending your certificate, we can mail it to you for your signature, and then you will return it to us for our signature and embossing. We will then mail copies of the valid certificate to you. **\*A Certified Producer's Certificate will not be issued until all inspection fees have been paid.**

**NOTE re: FOOD SERVICES:** All special events (including street fairs, festivals, and some Certified Farmers' Markets) that involve food service/sales to the public will require a separate permit from the Department of Environmental Health. For more information, please call (619) 338-2379.

Please contact the clerical staff, at (858) 694-2778 if you have any questions.

Updated 10/05



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

# County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

## DIRECT MARKETING FEES

Listed below are fees associated with obtaining a Certified Producers Certificate.

- \* Certified Producer's Certificate Fee\* \$35.00 (submitted with application)
- \* Other County listings on Certificate\*\* \$ 5.00 (submitted with application)  
(to participate in markets outside of San Diego)
- \* Inspection Hourly Rate (on site only) \$60.00 (at time of inspection)
- \* Travel Charge by Zone (at time of inspection)  
(Travel charge applied according to zip code of inspection site. See list below for zip codes)
- \* Certificate Amendment or Addition \$5.00  
(plus hourly inspection fee and travel charge by zone, will be charged at time of inspection.)

## TRAVEL ZONE ZIP CODE DESTINATIONS

Zone 1 \$20.00	
91902	92114
91941	92115
91942	92116
91945	92117
91950	92118
91977	92119
92014	92120
92020	92121
92037	92122
92064	92123
92067	92124
92071	92126
92075	92127
92093	92128
92101	92129
92102	92130
92103	92131
92104	92133
92105	92134
92106	92135
92107	92136
92108	92139
92109	92140
92110	92145
92111	92155
92113	92161

Zone 2 \$40.00
91901
91910
91911
91913
91914
91915
91917
91932
91935
91978
92007
92008
92009
92019
92020
92021
92024
92025
92026
92027
92029
92040
92056
92065
92069
92083
92084
92154
92173

Zone 3 \$60.00
91906
91916
91931
91948
91962
91963
91980
92003
92028
92036 West *
92054
92055
92057
92059
92060
92061
92070
92082

Zone 4 \$80.00
91905
91934
92004
92055
92066
92086
92259
92036 East **
92536
92672

### \*92036 West

#### Instructions:

West of Sunrise Hwy from Zip Code Boundary 91948 to Hwy 79, West of Hwy 79 to Hwy 78, North of Hwy 78 to S-2, and West of S-2 until Zip Code Boundary 92086.

### \*\* 92036 East

#### Instructions:

East of Sunrise Hwy from Zip Code Boundary 91948 to Hwy 79, East of Hwy 79 to Hwy 78, South of Hwy 78 to S-2, and East of Hwy S-2 to Zip Code Boundary 92086.



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

# County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

## CERTIFIED PRODUCER CERTIFICATE APPLICATION

☐ New Application ☐ Additions Application ☐ Annual Certificate Renewal

NAME:	
DBA:	
ADDRESS:	
CITY AND ZIP:	
PHONE: (RES.)	PHONE: (BUS.)

FOR OFFICIAL USE ONLY	
CERTIFICATE NUMBER:	
COUNTY FEE: \$	PAID WITH:
DATE RECEIVED:	
ISSUING DATE:	
EXPIRATION DATE:	
AMENDED DATE:	

### CERTIFIED PRODUCER INFORMATION:

Check if you have a ☐ Farming Partnership  
☐ Sharecropping Agreement  
☐ Similar Contractual Agreement with another person

Do you sell for any other Certified Producer? ☐ No ☐ Yes:

NAME: \_\_\_\_\_ NAME: \_\_\_\_\_

Does any other Certified Producer sell for you? ☐ No ☐ Yes:

NAME: \_\_\_\_\_ NAME: \_\_\_\_\_

Do you: ☐ Own growing property? or ☐ Lease growing property?

Organic? Check if yes ☐ Nursery? Check if yes ☐

Production Sites, please provide full address including zip code and parcel ID number (APN).

1.	APN	2.	APN
3.	APN	4.	APN
5.	APN	6.	APN
STORAGE LOCATION (A)	MONTHS IN STORAGE	STORAGE LOCATION (B)	MONTHS IN STORAGE

EXAMPLE OF INFORMATION NEEDED FOR THE COMMODITIES THAT YOU GROW  
USE SEPARATE SHEET FOR EACH LOCATION

Location	Commodity	Variety	Amount	Unit of Measure	Estimated Production	Unit of Measure	Harvest Season (Month to Month)
1.	Apple	Granny Smith	6	Trees	100	Lbs.	Aug-Sept
1.	Tomato-Cherry	Red	6	Acres	300	Lbs.	Apr-Aug
2.	Begonia	Angel wing -white	13	Plants	13	Pots	Jan-Dec
2.	Dianthus	Tiny Rubies -red	100	Sq ft	200	Bnchs	Apr-Oct
OTHER COUNTIES IN WHICH YOU PLAN TO SELL IN:							

I hereby agree to comply with the requirements of Title 3, Chapter 1, Subchapter 4, Article 6.5 of the California Code of Regulations pertaining to Direct Marketing.

Signature Required

Date

**USE SEPARATE SHEET FOR EACH LOCATION**



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

## *County of San Diego*

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

### GRANTING OR ACCEPTING AUTHORITY TO SELL INFORMATION

You may have expressed an interest in either granting authorization to another Certified Producer to sell your product at a farmers' market or to accepting authorization from another to sell his/her product. The California Code of Regulations (Title 3, Section 1392.4 [g][6]) requires that a producer submit written authority to do so, prior to certification, to the ACTING AGRICULTURAL COMMISSIONER.

State regulations, effective January 2000, require that the name of the certified producer selling for another, or having authorized another to sell, must appear on each certificate of the parties involved in the agreement. **Both certificates must be amended simultaneously to be effective and available for use at a certified farmers' market.** Please coordinate submitting of forms with the producer with whom you have made the agreement to avoid delays in issuing the certificates. **We will not issue any new or amended certificate with Authorized Seller information until written authorization is received from both parties.**

The grant or acceptance of Authorization to sell is valid for one year from the date declared.

We have enclosed the appropriate form(s) to facilitate the granting or acceptance of Authorization to Sell. The agreement(s) must be completed, signed, and returned to this office to avoid any delay in scheduling your property inspection and/or issuance/amending your Certified Producer Certificate.

**If the producer you are going to sell for, or are granting permission to sell for you, is registered in another county, you must provide a photocopy of his or her certificate.**

If you have questions, please call (858) 694-2778 and we will be pleased to assist you.



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

# County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

## **CERTIFIED PRODUCER** **GRANT OF** **AUTHORIZATION TO ANOTHER CERTIFIED PRODUCER** **TO SELL COMMODITIES**

*Completion of this form required before Certified Producer Certificate can be issued.*

DATE DECLARED: \_\_\_\_\_ (Valid for one (1) year from this date.)

I, \_\_\_\_\_, am a Certified Producer registered in  
(name on certificate)

the County of \_\_\_\_\_ (Certified Producer Certificate No. \_\_\_\_\_).

DBA on Certificate if different from name above: \_\_\_\_\_  
(e.g.: XYZ Farms)

By this document, I authorize another Certified Producer to sell fruits, nuts, vegetables, honey, and/or eggs of my own production at a Certified Farmers' Market (CFM). I understand that the authorized seller must be provided with, and have in his/her possession at time of sale at a CFM, an embossed photocopy of my Certified Producer Certificate.

I do, hereby, grant authorization to \_\_\_\_\_, a Certified Producer  
(name on certificate)  
registered in the County of \_\_\_\_\_ (Certified Producer Certificate No. \_\_\_\_\_)  
to sell my products.

DBA on Certificate if different from name (authorized) above: \_\_\_\_\_

I understand that permission to sell on behalf of another Certified Producer is contingent upon permissive rules established by the manager of each CFM at which the authorized seller participates. I further understand that I am limited, by State regulation, to authorize a maximum of two Certified Producers to sell agricultural products of my own production at CFM's for the 12-month period following the date of issuance or amendment of my certificate with the name of the authorized seller recorded thereon. I may not substitute a different Certified Producer as an authorized seller in place of the above named authorized seller until the end of that one-year period.

**This agreement/authorization must be signed by the AUTHORIZING Certified Producer, and each member of a Partnership, Sharecropping or Lease Agreement, or similar contractual entity which, collectively, holds the CPC.**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

# County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

## **CERTIFIED PRODUCER** **ACKNOWLEDGEMENT AND ACCEPTANCE OF** **AUTHORIZATION TO SELL COMMODITIES** **FOR ANOTHER CERTIFIED PRODUCER**

*Completion of this form required before Certified Producer Certificate can be issued.*

DATE DECLARED: \_\_\_\_\_ (Valid for one (1) year from this date.)

I, \_\_\_\_\_, am a Certified Producer registered in  
(name on certificate)

the County of \_\_\_\_\_ (Certified Producer Certificate No. \_\_\_\_\_).

DBA on Certificate if different from name above: \_\_\_\_\_  
(e.g.: XYZ Farms)

By this document, I acknowledge that I have been authorized by another Certified Producer to sell fruits, nuts, vegetables, honey, and/or eggs of his/her own production at a Certified Farmers' Market (CFM). I understand that I, or my employee or family member, must be provided with, and have in my/his/her possession at time of sale at a CFM, an embossed photocopy of the AUTHORIZER'S Certified Producer Certificate.

I do, hereby, accept authorization from \_\_\_\_\_, a Certified Producer  
(name on certificate)

registered in the County of \_\_\_\_\_ (Certified Producer Certificate No. \_\_\_\_\_), to sell his/her product.

DBA on Certificate if different from name (authorized) above: \_\_\_\_\_

I understand that permission to sell on behalf of another Certified Producer is contingent upon permissive rules established by the manager of each CFM at which I, as the authorized seller, participate. I further understand that I am limited, by State regulation, to be authorized by a maximum of two Certified Producers to sell agricultural products of their own production at CFM's for the 12-month period following the date of issuance or amendment of my certificate on which the name of the authorizer(s) is(are) recorded. I may not substitute a different Certified Producer as an authorizer in place of the above named authorizer until the end of that one-year period.

**This acknowledgement must be signed by the AUTHORIZED Certified Producer, and each member of a Partnership, Sharecropping or Lease Agreement, or similar contractual entity which, collectively, holds the CPC.**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

## County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

### REQUIREMENTS FOR FARM LEASES

Every person or entity who enters into a farm lease with another person(s) or entity and who applies for a certified producer's certificate under such agreement shall provide to the County of San Diego ACTING AGRICULTURAL COMMISSIONER, **at the time of application**, with a copy of the current written lease agreement which shall contain the following:

1. A clear and concise accurate description of the lease property. The description shall include the present use of the property, the dimensions of the leased property, and the location, including the assessor's property number (APN)
2. The cost of the lease
3. The beginning and ending dates of the lease.
4. The date of the agreement and the signatures of all parties involved.
5. A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties. The notarized signatures on the agreement of all executing the agreement.

The lease must state:

6. Person applying for the certificate shall assume all financial risks associated with producing agricultural products.
7. Lessee shall perform agricultural production upon the land.
8. Enter into the agreement prior to planting of annual and biannual crops.
9. Enter into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern.
10. Enter into the agreement prior to bloom of the tree and vine crops.

Any change in the terms of this lease agreement shall invalidate a certified producer's certificate issued under such terms. Any such change shall be reported immediately and all embossed copies issued shall be surrendered to the ACTING AGRICULTURAL COMMISSIONER.

Notwithstanding the above, an enforcing officer representing the Department of ACTING AGRICULTURAL COMMISSIONER may request such additional documentation as is reasonably necessary to show that the conditions of the article are being met.



### Title 3. California Code of Regulations

#### §1392.9.2. Direct Marketing. Requirements for Farm Leases.

- (a) Every person or entity who enters into a farm lease with another person(s) or entity and who applies for a certified producer's certificate under such agreement shall provide the issuing ACTING AGRICULTURAL COMMISSIONER, at the time of application, with a copy of the current written lease agreement which shall contain the following:
  - (1) A clear and concise accurate description of the leased property. The description shall include the present use of the property, the dimensions of the leased property and the location; and
  - (2) The purchase price (cost) of the lease; and
  - (3) The date of the agreement and the signatures of all parties involved; and
  - (4) A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties. The notarized signatures on the agreement of all executing the agreement.
- (b) Notwithstanding the above, an enforcing officer representing the Department or ACTING AGRICULTURAL COMMISSIONER may request such additional documentation as is reasonably necessary to show that the conditions of this article are being met.
  - (a) To qualify for a certified producer's certificate, the person applying for the certificate shall:
    - (1) Assume all financial risks associated with producing agricultural products; and
    - (2) Enter into the agreement prior to planting of annual and biannual crops; and
    - (3) Enter into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern (e.g., prior to the fern stage of asparagus or prior to cut back of artichokes), and
    - (4) Enter into the agreement prior to bloom of tree and vine crops, and
    - (5) Perform agricultural production upon the land which is the subject of the agreement.
  - (b) Any change in the terms of this agreement shall invalidate a certified producer's certificate issued under such terms. Any such change shall be reported immediately and all embossed copies of certificates issued to the partnership shall be surrendered to the issuing ACTING AGRICULTURAL COMMISSIONER.

NOTE: Authority cited: Sections 407, 42682, 47000, 47002, 47003 and 47004, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

#### HISTORY

- 1. New section filed 12-9-99; operative 1-8-2000 (Register 99, No. 50)

### Tile 3. California Code of Regulations

#### **§1392.9.1. Direct Marketing. Requirements for Partnerships, Sharecropping Agreements, and Similar Contractual Agreements.**

- (c) Every person or entity that enters into a partnership as defined in Section 1392.2(s), sharecropping, or similar contractual agreement with another person(s) or entity and that applies for a certified producer's certificate under such agreement shall provide the issuing ACTING AGRICULTURAL COMMISSIONER, at the time of application, with proof of partnership as defined in the United States and California Tax Codes, or the Partnership's Federal Tax Identification Number and a copy of their current written agreement which shall contain the following:
  - (1) A clear, concise and accurate description of the property to be farmed. The description shall include the present use of the property, the dimensions, and the location of the property; and
  - (2) Partners shall demonstrate equitable risk by submitting a description of each party's financial and material resource input, which shall include the degree of involvement each party has in agricultural production; and
  - (1) The date of the agreement and the signatures of all parties involved; and
  - (2) A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties. The notarized signatures on the agreement of all parties executing the agreement.
  - (3) A statement of verification that the property or properties to be farmed by the partnership or producers cooperating under a similar contractual agreement are under the exclusive control of the partnership as a separate entity from its individual members.
- (d) Notwithstanding the above, an enforcing officer representing the Department or ACTING AGRICULTURAL COMMISSIONER may request such additional documentation as is reasonably necessary to show that the conditions of this article are being met.
- (c) To qualify for a certified producer's certificate, all parties listed on the certificate shall:
  - (1) Have entered into the agreement prior to planting of annual and biannual crops; and
  - (2) Have entered into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern (e.g., prior to the fern stage of asparagus or prior to cut back of artichokes); and
  - (3) Have entered into the agreement prior to bloom of tree and vine crops; and
  - (3) Be engaged in agricultural production upon the land which is the subject of the agreement.
- (d) Any change in the terms of this agreement shall invalidate a certified producer's certificate issued under such terms. Any such change shall be reported immediately and all embossed copies of certificates issued to the partnership shall be surrendered to the issuing ACTING AGRICULTURAL COMMISSIONER.

NOTE: Authority cited: Sections 407, 42682, 47000, 47001, 47002, 47003 and 47004, Food and Agricultural Code.  
Reference: Sections 42941, 47000, 47001 and 47003, Food and Agricultural Code.

#### HISTORY

- 1. New section filed 12-9-99; operative 1-8-2000 (Register 99, No. 50).
- 2. Amendment of subsection (a), new subsection (a)(5) and amendment of Note filed 2-4-2002 as an emergency; operative 2-4-2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-4-2002 or emergency language will be repealed by operation of law on the following day.



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

# County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES  
5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256  
<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

## EMPLOYMENT AGREEMENT

I \_\_\_\_\_, a Certified Producer under Title 3, Article 6.5 of the California Administrative Code, do employ \_\_\_\_\_ as authorized under Section 1392.2 to sell fruit, nuts and/or vegetables of my own production for me at a Certified Farmers' Market. I attest that compensation to the above named employee is based on a fixed salary and not on a commission or on a resale basis.

I will immediately notify the endorsing ACTING AGRICULTURAL COMMISSIONER/Sealer upon termination or change in status of my employees.

I am aware that any violation of the Direct Marketing Regulations (Title 3, Article 6.5 ) by me or by my employees may be cause for revocation of my Certified Producer's Certificate by the issuing County and/or of my privilege to participate in a Certified Farmer's Market in an endorsing County.

Executed this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_. Renewal of this employment (Day) (Month) (Year) agreement is required upon expiration of Certified Producer's Certificate.

\_\_\_\_\_  
Certified Producer

Certificate No. \_\_\_\_\_

Date: \_\_\_\_\_

THIS AGREEMENT MUST BE CONSPICUOUSLY POSTED AT POINT OF SALE

emp agg (10/99)



ROBERT G. ATKINS

AGRICULTURAL COMMISSIONER/  
SEALER OF WEIGHTS AND  
MEASURES

## County of San Diego

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES

5555 Overland Avenue, Suite 3101, San Diego, CA 92123-1256

<http://www.sdcawm.org>

AGRICULTURE  
(858) 694-2739  
FAX (858) 495-5012

WEIGHTS & MEASURES  
(858) 694-2778  
FAX (858) 505-6484

COUNTY VETERINARIAN  
(858) 694-2838  
FAX (858) 571-4268

SAN MARCOS OFFICE  
(760) 752-4700  
FAX (760) 752-4703

June 26, 2009

**TO: CERTIFIED FARMERS' MARKET MANAGERS  
CERTIFIED PRODUCERS  
SAN DIEGO COUNTY FARM BUREAU**

**RE: DIRECT MARKETING GUIDELINES FOR ADMINISTRATIVE CIVIL  
PENALTIES**

Enclosed are the Direct Marketing Program guidelines for administrative civil penalties. The guidelines are intended to gain compliance while providing uniform enforcement. The direct marketing program promotes fair competition among participants and ensures consumer confidence in the quality and integrity of the markets.

These guidelines were recommended and accepted by the Certified Farmers' Market Advisory Committee and the County Agricultural Commissioners on May 13, 2002. They were distributed to all Certified Farmers' Markets, the Southland Farmers' Market Association and the California Federation of Certified Farmers' Markets on or about June 6, 2002. We are distributing the guidelines again to ensure that Certified Farmers' Market participants are aware of them.

Please be advised that violations of Chapter 10.5 of the California Food and Agricultural Code and/or Title 3, Article 6.5 of the California Code of Regulations may result in civil administrative penalties pursuant to section 47025 and the attached guidelines.

We appreciate your continued cooperation in maintaining compliance as a certified producer, or as a market manager at your certified farmers' market. Market managers are encouraged to post or distribute copies of the guidelines for your participants.

If you have any questions, please call (858) 694-2778.

ROBERT G. ATKINS  
Agricultural Commissioner/  
Sealer of Weights and Measures

Enclosure

**ADMINISTRATIVE CIVIL PENALTIES FOR DIRECT MARKETING**  
**Authority Cited Food and Agricultural Code Section 47025 (a)**

Rev. 5/23/02

CODE SECTION	VIOLATIONS/PENALTY	MINOR \$50-\$150	MODERATE \$151-\$400	SERIOUS \$401-\$1,000
Section I.	Certified Producer Violations			
1. CCR 1392.4(a) FAC 47002	Certified producer selling Product(s) not of their own production.			1 <sup>st</sup> Violation.
2. CCR 1392.5(c) 1392.7(a)2 FAC 47020	Refusing to submit to inspection.			1 <sup>st</sup> Violation.
3. CCR 1392.4(d)	Producer not having a certified producer's certificate.			1 <sup>st</sup> Violation
4. CCR 1392.4(d)	Certified producer selling with an expired certificate and not in the renewal process with CAC.		2 <sup>nd</sup> NC in 12 months	Repeat NC within 12 months of Moderate penalty.
5. CCR 1392.4(d)	Valid certified producer's certificate not in possession, and/or not posted. (not embossed)	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
6. CCR 1392.4(a) 1392.5(b),(c) 1392.7(a)1	Certified producer selling product(s) which they produced but do not have listed on their certified producer's certificate.	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
7. CCR 1392.4(f)2	Certified producer selling at a certified farmer's market for other certified producer(s). i.e. "Second Cert." <ul style="list-style-type: none"> <li>Authorized certified producer's certificate(s) not in possession and/or posted for other certified producer(s).</li> </ul>	2 <sup>nd</sup> NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
8. CCR 1392.4(f)2	"Second Cert." <ul style="list-style-type: none"> <li>Product not separated and identified.</li> </ul>	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
9. CCR 1392.4(f)4  CCR 1392.4(f)3	"Second Cert." → Name of certified producer(s) not listed on certificate of other certified producer who is authorized to sell the certificate holder's products. (Agreement was made but paperwork not done <u>not</u> a resell situation). And/or "Second Cert." → Name of certified producer not listed on other producer's certificate that the certificate holder may sell for (Agreement was made but paperwork not done <u>not</u> a resell situation).		1 <sup>st</sup> Violation	Repeat NC within 12 months of Moderate penalty.
10. CCR 1392.4(f)1	A certified producer representing more than 2 other certified producer(s) in a 12-month period and/or a certified producer being represented by more than 2 certified producer(s) in a 12-month period.		1 <sup>st</sup> Violation	2 <sup>nd</sup> or more violations.

NC. = Documented notice of noncompliance, or notice of violation.

\* = Penalties will be assessed after two documented notices of noncompliance/violation are issued.

Decisions to suspend or revoke a certified producer's certificate, or privileges to participate in certified farmers' markets will be made at the discretion of the agricultural commissioner on a case by case basis.

<b>CODE SECTION</b>	<b>VIOLATIONS/PENALTY</b>	<b>MINOR \$50-\$150</b>	<b>MODERATE \$151-\$400</b>	<b>SERIOUS \$401-\$1,000</b>
<b>Section I. Con't</b>	<b>Certified Producer Violations</b>			
11. CCR 1392.4(f)5	Certified producer selling or offering for sale a greater amount of other certified producer's products than their own.	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
12. CCR 1392.4(f)9 1392.4(f)10	Certified producer not keeping records of products sold for or by other certified producer.  Failure to supply records on demand.	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	Repeat NC within 12 months of Moderate penalty.
13. FAC 47005	Refusing to allow inspection or entrance.			1 <sup>st</sup> Violation Plus Suspension and/or Revocation
14. FAC 47005.1	Refusing to allow inspection of products and/or subject products to inspection			1 <sup>st</sup> Violation Plus Suspension and/or Revocation
15. FAC 47005.2	Refusing to allow seizure of evidence.			1 <sup>st</sup> Violation Plus Suspension and/or Revocation
16. FAC 47022	Nonconforming products, i.e. <ul style="list-style-type: none"> <li>• Minimum Grade Stds.</li> <li>• Minimum Maturity Stds.</li> <li>• Closed Consumer Cont.(IRQ)</li> <li>• Egg Labeling Requirements</li> </ul>	3 NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
17. FAC 47022.1	Deceptive pack i.e. nice cherries on top of basket, tiny ones on the bottom.	1 NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
18. FAC 47022.2	Mislabel/Misleading statement.	2 NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
19. FAC 47022.3	Falsify documents or false statements to obtain certificate.			1 <sup>st</sup> Violation Plus Suspension and/or Revocation
20. FAC 47022.4	Unlawfully removing NC or product held under NC.			1 <sup>st</sup> Violation
21. FAC 47022.5	Refusing to submit for inspection or stop any vehicle for inspection.			1 <sup>st</sup> Violation Plus Suspension and/or Revocation
22. FAC 47022.6	Refusing to allow inspection of property, storage etc.			1 <sup>st</sup> Violation Plus Suspension and/or Revocation
23. FAC 47022.7	Altering any official document issued by an Enforcing Officer.			1 <sup>st</sup> Violation Plus Suspension and/or Revocation

<b>Section II.</b>	<b>Certified Farmers' Market Violations</b>	<b>Minor \$50-\$150</b>	<b>Moderate \$151-\$400</b>	<b>Serious \$401-\$1000</b>
1. CCR 1392.9(a) 1	Failure to ensure the sellers are represented by the proper person selling.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
2. CCR 1392.9(a)2	Failure to ensure the producers are selling only certified and non-certifiable products in the area designated as the CFM.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.

Section II.	Certified Farmers' Market Violations (Con't)	Minor \$50-\$150	Moderate \$151-\$400	Serious \$401-\$1000
3. CCR 1392.9(a)3	Failure to ensure the certified producers possess a valid certified producer's certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
4. CCR 1392.9(a)3	Failure to ensure the certified producers post a valid certified producer's certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
5. CCR 1392.9(a)4	Failure to ensure the certified producers lists their certified products on their certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
6. CCR 1392.9(a)5	Failure to ensure the producers are selling only approved non-certifiable ag. products.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
7. CCR 1392.9(a)6	Failure to ensure the producer's products being sold for other producer(s) are separated and identified and all certified producer's names are cross referenced.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
8. CCR 1392.9(b)	Failure to collect all of the load lists required on any single market day. Failure to keep load lists for 18 months.  Did not collect at least 20% of the load lists on any single market day.	2 Market NC's in 12 months.  →	Repeat NC within 12 months of Minor penalty.  →	Repeat NC within 12 months of Moderate penalty.  1 <sup>st</sup> Violation
9. CCR 1392.6(g)	Failure to provide state and/or county with current market rules.	*2 NC's in 12 months.		3 or more NC's in 12 months.
10. CCR 1392.4(f)	Allowing one certified producer to sell for another certified producer without providing for it in the market rules.		*2 NC's in 12 months.	3 or more NC's in 12 months.
11. CCC 1392.6(d), (e), (f)	Market rules must be in compliance.		*2 NC's in 12 months.	Repeat NC within 12 months of Moderate penalty.
12. FAC 47005	Refusing to allow inspection or entrance			1 <sup>st</sup> Violation Plus Suspension of Participation Privileges and/or Revocation
13. FAC 47022.2	False, deceptive, misleading signs, statements, or documents	2 NC's in 12 months	Repeat NC within 12 months of minor penalty	Repeat NC within 12 months of moderate penalty
14. FAC 47022.3	Falsify documents or false statements to obtain market Certificate			1 <sup>st</sup> Violation Plus Suspension of Participation Privileges and /or Revocation
15. FAC 47022.4	Unlawfully removing NC or products held under NC			1 <sup>st</sup> Violation
16. FAC 47022.6	Refusing to allow inspection of property			1 <sup>st</sup> Violation Plus Suspension of Participation Privileges and/or Revocation
18. FAC 47022.7	Altering any official document issued by enforcing officer			1 <sup>st</sup> Violation Plus Suspension of Participation Privileges and/or Revocation